

Amendment After Final Rejection  
Serial No. 09/922,142

US010358

### REMARKS

For the remarks made herein, applicant respectfully requests reconsideration, withdrawal of the rejections and allowance of the claims.

Claims 1-28 are pending in the application. Claims 1-28 stand rejected.

Claims 1-5, 7-15, 17-24 and 26-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by USP No. 6,208,693 to Chen. The examiner has restated the reason recited in the Office Action dated March 31, 2004 for rejecting the claims in the instant Office Action.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim for the same remarks made in the response to the Office Action, dated March 31, 2004, which are restated herein.

As summarized in response to the Office Action dated March 31, 2004, Chen discloses a system for encoding video objects by first defining a bounding box and then determining the shape of the video object within the bounding box. More specifically, Chen notes that the "shape mask generator 249 compares each pixel value (in the reconstructed pixel signal) to the chroma-key value (or a range of values near the chroma-key color. By comparing the pixels values to the chroma-key value the shape mask generator 249 can determine which pixels are located within the object and which pixels are located outside the object and thereby identify the original shape of the object in the VOP." (see col. 6, lines 37-44). Accordingly, the shape mask referred to by Chen is determined by the shape of the object. That is, the mask is determined in the evaluation of the object.

Hence, contrary to the examiner's position, Chen does not teach "a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object," as is recited in claim 1. Rather, Chen determines a mask based on the evaluation of the object and not evaluating an object to determine the mask type, as is recited in the claim.

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The examiner, in response to applicant's remarks made in the Response dated 6,28,2004, states that "Chen discloses the evaluation of the video object to be encoded based on the use of the predetermined criterion data, wherein the predetermined criterion are described to be the shape and texture information," and "Chen ... discloses that the masks can be generated for the video object based on the position of the location of the pixel relative to the video object." The examiner concludes that "Chen discloses a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object. (see page 2, lines 7-16, instant Office Action.

As noted previously, Chen generates a mask based an evaluation of the object. This is shown in Figure 3, wherein the shape of the video object 315, i.e., mask, within bounding box 310 is determined based on the location (inside, outside, inside/outside) of respectively macroblocks 320. (See col. 6, lines 41-44, which state, "shape mask generator 249 can determine which pixels are located within the object and which pixels are located outside the object and thereby identify the original shape of the object."). However, the determination made by Chen is that of a mask and not of a "mask type," as is claimed.

Chen can not be said to anticipate the invention recited in independent claim 1, because Chen fails to disclose each and every element of the invention claimed. Accordingly, the subject matter recited in claim 1 is patently distinguishable from, and allowable over, the Chen device.

Having shown that Chen does not include each and every element claimed, applicant submits that the reason for the examiner's rejection have been overcome and can no longer be sustained. Applicant, thus, respectfully requests withdrawal of the rejection, and allowance of the claim.

With regard to claims 11 and 20, the examiner rejected these claims reciting the same reason used to reject claim 1. However, claims 11 and 20 each disclose the element "a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object," which is recited in claim 1. Accordingly, claims 11 and 20 also include subject matter not disclosed by Chen and,

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thus, for the same remarks made with regard to claim 1, are patently distinguishable from the Chen device.

Having shown that Chen does not include each and every element claimed, applicant submits that the reason for the examiner's rejection have been overcome and can no longer be sustained. Applicant, thus, respectfully requests withdrawal of the rejection, and allowance of claims 11 and 20.

With regard to claims 2-4, 7-10, 12-15, 17-19, 24, and 26-28, these claims depend from claims 1, 11 and 20, respectively, which have been shown to be patently distinguishable over the cited reference. Accordingly, these claims are also patently distinguishable and allowable over the cited reference by virtue of their dependency upon an allowable base claims.

Claims 6, 16 and 25 stand rejected pursuant to 35 USC §103 as being unpatentable over Chen in view of USP No. 6,611,628 to Sekiguchi. The examiner recited the same reason for rejecting these claims as was recited in the Office Action dated March 31, 2004.

Accordingly, applicant remarks made to the examiner rejections make in the response dated June 28, 2004 to the Office Action dated March 31, 2004 are applicable and repeated in overcoming the current rejection of the claims.

Applicant respectfully submits that the reason for the examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

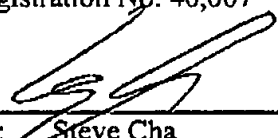
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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross  
Registration No. 40,007

  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

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Mail all correspondence to:  
Russell Gross, Registration No. 40,007  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9624  
Fax: (914) 332-0615